

REMARKS

The Office Action dated January 29, 2008, has been received and reviewed by the applicant. Claims 45-52 and 54-56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al (US Patent 6,434,266) in view of Nishida (US Patent Pub. 2002/0105661). Reconsideration is respectfully requested.

In response, independent claims 45 and 52 are amended to more clearly define the invention. More particularly, the rejection states that original claim limitation (b) is found in column 7, lines 51-57, column 11, lines 1-3, different conversions correspond to different metadata, column 17, lines 46-62. Applicants thoroughly reviewed these sections and did not see any interpretation that would disclose element (b). However, to facilitate prosecution, element (b) is amended to more clearly “crystallize” the invention so that it is unambiguously clear. As stated in the previous amendment, the first and second metadata both define the same area, but the first metadata identifies a first colorimetric transform and the second metadata identifies a second colorimetric transform (different from the first). In contrast, Kanno discloses selecting an area and then simply modifying the area; it does *not* disclose a first and second (a total of two) metadata designing the *same area* for modification, but the first metadata identifying a *first colorimetric* transformation and the second colorimetric transform identifying a *second colorimetric* transformation, different from the first colorimetric transform. Therefore, it is respectfully submitted that Kanno individually or in combination with Nishida does not teach or suggest the claimed invention since all the limitations of the independent claims are not taught individually by a reference or the references in combination with each other.


Still further, independent claims 45 and 52 include the limitation which results in two different colorimetric characteristics for the same region of the film. Nishida is for producing the “same color representation.” (See the Abstract) Consequently, one skilled in the art would not look to a reference that “teaches away” from the claimed result to combine with Kanno. Therefore, it is respectfully submitted that the combination of Nishida with Kanno is not appropriate regardless if they are in the same field of endeavor as purported by the rejection.

In light of all of the above, an early Notice of Allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.